

REMARKS

This application is a divisional application of parent 09/416,583 filed October 12, 1999 and issued March 4, 2003 as USPN 6,528,191. The present application bears a filing date of January 22, 2002, was filed with Claims 27-43, and claims priority to the aforesaid parent. Claims 27-43 are now pending in the application.

In the Office Action, Claims 27-43 are rejected. In addition, the specification is subject to objection for informality; while the drawings filed January 22, 2002 are accepted.

PRIORITY

The Office Action mentions claim for domestic priority, referencing that such must be inserted as the first sentence of the specification in or an application data sheet.

It is respectfully submitted that such reference to prior application was included in this present divisional Application Data Sheet. Nevertheless, the reference is also being included, along with updating of cross-reference to related applications, on Page 1 of the specification.

SPECIFICATION

The disclosure was objected to for certain informalities at Pages 1, 3-4, 14, and 20 regarding updating of status of U.S. applications referenced by their serial number.

Such updating in the specification pertinent to the designated information has been done in this present amendment.

REJECTION UNDER 35 U.S.C. § 103

Claims 27-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kennard III et al. (USPN 5,472,580) over Grot et al. (USPN 6,001,499).

Applicant respectfully requests withdrawal of this rejection on the basis that the patent to Grot et al. qualifies as prior art only under 35 U.S.C. § 102(e)/103, is commonly owned, and meets the criteria for exception based on this present application being filed after November 29, 1999.

Grot et al. issued December 14, 1999. The parent application of this divisional was filed October 12, 1999. Therefore, since the filing date of the parent application (Senner) is before the issue date of Grot et al., Grot et al. does not qualify as prior art under 102(a) or 102(b). Grot only qualifies as prior art under 102(e)/103. Note that Grot is assigned to General Motors Corporation as indicated on the face of Grot 6,001,499.

For applications filed on or after November 29, 1999 a showing that the invention was commonly owned at the time the latter invention was made would preclude a rejection and be sufficient to overcome rejection under 102(e)/103.

At the time of filing the parent application, there was included an assignment of the invention(s) of the parent and present divisional Senner applications to General Motors Corporation. Such assignment was recorded on October 12, 1999 at Reel 010313, Frame 0759 (copy attached).

Further, the 103 rejection is not sustainable on the basis of Kennard III alone. Since Grot is essential to supply the deficiencies of Kennard III, and since Grot 6,001,499 does not qualify as prior art against the present divisional application, it is

respectfully requested that all the pending Claims 27-43 be passed to allowance.

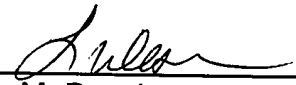
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 26 Nov 03

By: _____


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LDES/lf-s

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JANUARY 12, 2004

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PTAS



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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

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RECORDATION DATE: 10/12/1999

REEL/FRAME: 010313/0759
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
SENNER, RALF

DOC DATE: 10/04/1999

ASSIGNEE:
GENERAL MOTORS CORPORATION
3031 W. GRAND BOULEVARD
NEW CENTER ONE BUILDING, SUITE 450
DETROIT, MICHIGAN 48232

SERIAL NUMBER: 09416583
PATENT NUMBER:

FILING DATE: 10/12/1999
ISSUE DATE:

MAURICE CARTER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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YOUNG & BASILE, P.C.

Handwritten signature

10-21-1999

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To the Honorable Commissioner
Please record the attached original documents or copy thereof

1. Name of Conveying Party(ies):

Ralf Senner

2. Name and address of receiving party(ies)

Name: GENERAL MOTORS CORPORATION

Internal Address:

Street Address: 3031 W. Grand Boulevard

New Center One Building, Suite 450

City: Detroit State: Michigan Zip: 48232

Additional name(s) & address(es) attached: Yes ☒ NoAdditional name(s) of conveying party(ies) attached? Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agt. ☐ Change of Name
☐ Other

Execution Date: October 4, 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date is: October 4, 1999

A. Patent Application No.(s)

B. Patent No(s).

09/416583

Additional numbers attached: Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Linda M. Deschere

Internal Address: YOUNG & BASILE, P.C.

Street Address: 3001 West Big Beaver Road

Suite #624

City: Troy State: Michigan Zip: 48084-3107

6. Total no. of applications and patents involved

One

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number:

07-0960

(Attach duplicate copy of this page if paying by deposit account)

10/21/1999 DNGUYEN 00000019 070960 09416583

11 FC:581 40.00 CH

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9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Linda M. Deschere
Name of Person Signing
SignatureOctober 12, 1999
Date

Total number of pages including cover sheet, attachments and document: 3

Case: H-205704 (GMFC-5704)

ASSIGNMENT AND AGREEMENT

FOR VALUE RECEIVED, I, Ralf Senner, a citizen of Germany, and residing at ~~Hegdenstr. 16, 65185 Wiesbaden~~
~~Kurfürstenstr. 24, 55118 Mainz, GERMANY~~, hereby sell, assign and transfer to General Motors Corporation a corporation duly organized and existing under the laws of the State of Delaware and having a place of business at Detroit, Michigan as assignee, and its successors, assigns and legal representatives, the entire right, title and interest for the United States of America and all countries in and to certain inventions relating to

**METHOD AND APPARATUS FOR
MONITORING A HYDROGEN CONTAINING GAS STREAM**

which are described in the specification in an application, executed by me on the _____
4 day of October, 1999 (and I hereby authorize my attorneys, authorized to prosecute the application, to here insert the filing date and serial number of the application, as soon as it is known, Serial No. _____, filed _____) and all the rights and privileges under any United States Letters Patent and all foreign Letters Patent that may be granted therefor.

I request that any and all United States and foreign patents for the inventions be issued to the assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

I agree that, when requested, I will sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for the inventions in any and all countries, and for vesting title thereto in the assignee, its successors, assigns and legal representatives or nominees.

I authorize and empower the assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for the inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as

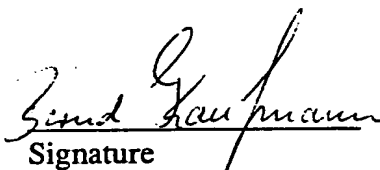
amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

I hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.


I covenant with the assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any incumbrance, and that I have full right to convey the same as herein expressed.


Ralf Senner

4.10.99
Date

Witness: 
Signature

Bernd Kaufmann
Print Name

Witness: 
Signature

Tina Burkhardt
Print Name